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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,642

05/20/2005

Marc F.R. Janssen

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12/20/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

RALEIGH, DONALD L

ART UNIT

PAPER NUMBER

4176

MAIL DATE

DELIVERY MODE

12/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,642	Applicant(s) JANSSEN ET AL.	
	Examiner DONALD L. RALEIGH	Art Unit 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/20/2005, 01/17/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 4-8 are objected to under 37 CFR 1.75(c) as being in improper form because they are not in the alternative to more than one preceding independent or dependent claim . See MPEP § 608.01(n). Accordingly, claims 4-8 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al (US Patent No. 6,774,566) in view of Takahashi et al (US Patent No. 6,479,950).

Regarding Claim 1:

Honda teaches:

Ceramic (Col.3, line 47) gas tight (abstract, line14 (sealed) high-pressure (Col.3 line 46) burner (Col.3, line 46 (lamp)) comprising an ionizable filling (Col 11, lines 39-41 teaches a rare-gas in combination with a metal halide (ionizable filling)), characterized in,

that said ceramic gas tight high-pressure burner comprises a discharge vessel (Fig.4 (1a), Col. 19, lines 28-29 (swollen portion)

having a discharge cavity (Fig.4 (1a1), Col.19 , line 16)

with a volume in the range of 3 mm^3 to 30 mm^3 , (Col.8, lines 53-55 teaches a volume of $.01 \text{ cc} = 10 \text{ mm}^3$)

Honda fails to teach:

whereby the internal filling pressure of the discharge cavity (3) is $\geq 0.1 \text{ MPa}$, preferably in the range from 0.5 MPa to 4 MPa , at room temperature.

Takahashi teaches: Col.10, lines 28-30 filling a metal halide lamp with Xenon at a pressure of 1.4 Mpa at room temperature.

It would have been obvious to one of ordinary skill in the art to apply the teachings of Takahashi to Honda and provide such a fill pressure because metal halide lamps operate more efficiently under high fill pressure.

Regarding Claim 2:

Honda teaches:

Characterized in,
that the crevice (Fig.4 (gap G), Col. 20, line 13) can be tubular-shaped (Fig.4 shows a tubular shape. Col.3, line 57 says that it is cylindrical) .

Regarding Claim 3:

Honda teaches:

Characterized in,
that the ceramic gas tight high-pressure burner arranges at least one end closure device (Fig.4 (4), Col. 19, line 58 (seal)) comprising at least one connection means (4) gas tight (4 is a seal) connecting the feed-through (Fig.4 (3), Col.19, line 55 (lead conductor) to the discharge vessel (1); or (Fig.4 shows the end closure (4) connecting the lead through (3) to the discharge vessel (1) and sealing the entrance.)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Hendricx et al (US Patent no. 6,404,129).

Regarding Claim 9:

Hendricx teaches: (Col.1, lines 55-57 using this lamp in an auto headlamp). Also, Col.1, lines 4-7 teaches that the discharge vessel is ceramic and is gas tight (holds Xenon)

Whereby the lamp is preferably arranged in an automotive headlamp unit.

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim10 is rejected under 35 U.S.C. 102(a) as being anticipated by Honda et al (US Patent No. 6,774,566).

Regarding Claim 10:

Honda teaches:

Method of manufacturing a ceramic (col.3, lines 47) gas tight (abstract, line 14 (sealed)) high-pressure (col.3, line 46) burner (col.3, line 46 (lamp))

comprising:

a) at least one end closure device (Fig. 4, (4)),

b) at least two feed-through members (3) (Fig.4 shows a feed through (3) in each end of the vessel (1), and

c) at least one discharge vessel (1) with at least one end opening (see Fig.4), whereby the manufacturing method comprises the steps:

filling said discharge vessel with an ionisable filling (Col.11, lines 39-41) through at least one opening, and

closing said opening (using seal (4)) by arranging a feed-through (3) in said opening followed by gas tight connecting said feed-through (3) (via seal 4) to the end closure device (4 is the end closure device) and / or to the discharge vessel (1), whereby a gas

tight (sealed) high-pressure burner (lamp) is obtained.

(Fig.4 shows using seal (4) to connect feed through (3) to discharge vessel (1) and sealing the opening. Obviously, if the device is contain a high pressure gas, it must be gas tight)

Conclusion

The following references were not used in the prosecution of this application but are pertinent to the invention as disclosed: Pabst et al (US Patent No. 5,075,587); Hing (US Patent No. 4,155,757) and Uemura et al (US Patent No. 6,495,962)

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures

Art Unit: 2822

may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONALD L. RALEIGH whose telephone number is (571)270-3407. The examiner can normally be reached on Monday-Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Nguyen can be reached on 571-272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DLR

Application/Control Number: 10/535,642
Art Unit: 2822

Page 8

/Kiesha L. Rose/
Primary Examiner, Art Unit 2822